

13-2701. Definitions

In this chapter, unless the context otherwise requires:

1. "Material" means that which could have affected the course or outcome of any proceeding or transaction. Whether a statement is material in any given factual situation is a question of law.
2. "Statement" means any representation of fact and includes a representation of opinion, belief or other state of mind where the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.
3. "Sworn statement" means any statement knowingly given under oath or affirmation attesting to the truth of what is stated, including a notarized statement whether or not given in connection with an official proceeding.

13-2702. Perjury; classification

A. A person commits perjury by making either:

1. A false sworn statement in regard to a material issue, believing it to be false.
2. A false unsworn declaration, certificate, verification or statement in regard to a material issue that the person subscribes as true under penalty of perjury, believing it to be false.

B. Perjury is a class 4 felony.

13-2703. False swearing; classification

A. A person commits false swearing by making a false sworn statement, believing it to be false.

B. False swearing is a class 6 felony.

13-2704. Unsworn falsification; classification

A. A person commits unsworn falsification by knowingly:

1. Making any statement that he believes to be false, in regard to a material issue, to a public servant in connection with an application for any benefit, privilege or license.
2. Making any statement that he believes to be false in regard to a material issue to a public servant in connection with any official proceeding as defined in section 13-2801.

B. Unsworn falsification pursuant to paragraph 1, subsection A, is a class 2 misdemeanor. Unsworn falsification pursuant to subsection A, paragraph 2 is a class 1 misdemeanor.

13-2705. Perjury by inconsistent statements

When a person has made inconsistent statements under oath, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single charge alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

13-2706. Limitation on defenses

A. It is no defense to a prosecution under this chapter that:

1. The statement was inadmissible under the rules of evidence; or
2. The oath or affirmation was taken or administered in an irregular manner; or
3. The defendant mistakenly believed the false statement to be immaterial.

B. The provisions of law which declare that evidence obtained upon examination of a person as a witness cannot be received against him in a criminal proceeding do not forbid giving such evidence against the person upon any proceedings founded upon a charge of perjury committed in such examination.

13-2707. Proof of guilt

Proof of guilt beyond a reasonable doubt is sufficient for perjury or false swearing and it shall not be necessary that proof be made by a particular number of witnesses or by documentary or other type of evidence.